



Law Judge are accurate and appropriate, and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein.

While the Appeals Board finds that claimant's neck injury did arise out of and in the course of her employment, the medical evidence is sufficiently persuasive to convince the Appeals Board that claimant's upper extremities symptoms, including the bilateral carpal tunnel syndrome, do not relate to her work-related injury or to the neck injury suffered while claimant was being treated by Dr. Watson.

The lack of a connection between the carpal tunnel condition and claimant's cervical problems is supported by the medical opinions of several doctors in the record. Dr. Jacob Amrani did not believe that the impingement was related to the fall, especially when considering the delay in the occurrence of the carpal tunnel symptoms. He felt that it would be more likely that the carpal tunnel syndrome was related to the diabetes. While Dr. Robert L. Eyster did not make an absolute correlation between the diabetes and the carpal tunnel syndrome, he did acknowledge that he would not argue with Dr. Amrani regarding the fact that people with diabetes were more prone to develop carpal tunnel syndrome. Finally, Dr. J. Mark Melhorn, who performed carpal tunnel surgery on claimant, ultimately opined that claimant's carpal tunnel syndrome resulted from preexisting factors, including claimant's age, gender, and the genetic component of claimant's diabetes. He saw these individual risk factors as being a more probable cause than the traumatic event associated with the fall and the neck manipulation.

The Appeals Board is not deciding the question of whether the carpal tunnel syndrome is or is not related to claimant's work activities or any other work-related accident not in dispute. The Appeals Board does find, however, that the carpal tunnel syndrome was not caused by the December 3, 1993, accident and/or later manipulation treatment received for that accidental injury.

The Appeals Board also finds claimant's limited attempts at seeking employment did not constitute a good faith effort on claimant's part. Copeland v. Johnson Group, Inc., 24 Kan. App. 2d 306, 944 P.2d 179 (1997). In addition, the jobs offered by respondent were within claimant's restrictions, and at a comparable wage. Foulk v. Colonial Terrace, 20 Kan. App. 2d 277, 887 P.2d 140 (1994), *rev. denied* 257 Kan 1091 (1995). Finally, the Appeals Board finds claimant had the ability to earn a comparable wage but made no attempt to do so. These factors eliminate claimant's entitlement to a work disability.

Wherefore, the Appeals Board finds that the award by the Administrative Law Judge of a 6 percent permanent partial impairment to the body as a whole on a functional basis is appropriate and is adopted by the Appeals Board as its own.

### **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark, dated May 8, 1998, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 1999.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: John L. Carmichael, Wichita, KS  
Stephen J. Jones, Wichita, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director